

SENATE JOURNAL**EIGHTH DAY****February 2, 2009**

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Janice Christensen, wife of Senator Allen Christensen

Pledge of Allegiance – Senator Wayne Niederhauser

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 30, 2009

The House passed **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 50**, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 81**, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 85**, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 234**, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 252**, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 20, H.B. 26, H.B. 28, H.B. 50, H.B. 55, 1st Sub. H.B. 81, H.B. 85, H.B. 226, H.B. 234, H.B. 244, H.B. 247, H.B. 252, H.B. 257,** and **H.C.R. 1** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 30, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 140

Financial Institutions Disclosure of Records
(Sen. M. Dayton)

- H.B. 51** Exemption for Alcoholic Beverage Manufacturing License (Rep. C. Johnson) (Sen. D. Stowell)
- H.B. 52** Insurance Code Amendments (Rep. J. Dunnigan) (Sen. J. Valentine)
- 1Sub. H.B. 86** Division of Real Estate Related Amendments (Rep. G. Froerer) (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee

- S.B. 135** Local District Taxing Authority (Sen. C. Bramble)
- H.B. 43** Coordinating Municipal and Special District Elections (Rep. K. Grover) (Sen. M. Dayton)
- 1Sub. H.B. 44** Local and Special Service District Election Amendments (Rep. K. Grover) (Sen. M. Dayton)
- H.B. 48** Ballot Question Amendments (Rep. K. Grover) (Sen. M. Dayton)
- H.B. 75** Utah Communications Agency Network Amendments (Rep. F. Hunsaker) (Sen. P. Knudson)
- H.B. 231** Utah Commission on Volunteers Amendments (Rep. D. Aagard) (Sen. R. Okerlund)

Health and Human Services Committee

- S.B. 137** Physical Therapy Practice Act (Sen. W. Niederhauser)
- S.B. 142** Disposition of a Dead Body (Sen. A. Christensen)
- H.B. 33** Refund of Unearned Health Insurance Premiums and Medicare Supplement Insurance Premiums (Rep. P. Ray) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 53** Awarding of Attorney Fees (Sen. S. Urquhart)
- S.B. 133** Abuse or Neglect of a Disabled Child (Sen. J. Valentine)
- H.B. 87** Identity Theft Amendment (Rep. Julie Fisher) (Sen. J. Greiner)
- H.B. 106** Controlled Substance Database Amendments (Rep. B. Daw) (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

- S.J.R. 4** Recycling of Electronic Waste Joint Resolution (Sen. S. McCoy)
- H.B. 11** Recodification of Natural Resources Provisions (Rep. J. Mathis) (Sen. D. Stowell)

- H.B. 18** Water Right Applications and Records (Rep. P. Painter)
(Sen. D. Stowell)
- H.B. 34** Penalties for Destruction of Bald Eagle (Rep. R. Barrus)
(Sen. M. Dayton)

Revenue and Taxation Committee

- S.B. 141** Aviation Fuel Tax Amendments (Sen. W. Niederhauser)
- H.B. 54** Amendments to Vehicle Registration Requirements
(Rep. F. Gibson) (Sen. D. Hinkins)

Retirement and Independent Entities

- S.B. 139** Employer Election Retirement Amendments
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

- S.B. 52** New Motor Vehicle Franchise Amendments
(Sen. S. Killpack)
- S.B. 134** Transportation Funding Amendments (Sen. S. Urquhart)
- S.B. 136** Diesel-powered Motor Vehicle Emissions Inspection
Program Amendments (Sen. G. Bell)
- H.B. 21** Amendments to Driver License Sanction Requirements
(Rep. R. Greenwood) (Sen. J. Greiner)
- H.B. 216** Telecommunication Pricing Flexibility Amendments
(Rep. F. Hunsaker) (Sen. P. Knudson)

Workforce Services and Community & Economic Development Committee

- H.B. 38** Refugee Services Fund Amendments (Rep. C. Herrod)
(Sen. G. Bell)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

On motion of Senator Dayton, **S.B. 135** was lifted from the Governments Operations and Political Subdivisions Committee standing committee and referred to the Revenue and Taxation standing committee.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 122**, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.R. 1**, ECUMENICAL PATRIARCH SENATE RESOLUTION, by Senator P. Jones; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 16**, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker.

Peter C. Knudson, Chair

Mr. President: January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.R. 2**, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 19**, WATER RIGHTS – INFORMAL ADJUDICATIONS, by Representative K. McIff.

Dennis E. Stowell, Chair

Mr. President: January 30, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 94**, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 95**, MOBILE HOME PARK AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 15:

15 mobile home park; {~~and~~}

► requires a mobile home park owner to include a full disclosure on a resident's utility bill of the resident's utility charges if the mobile home park uses a single-service meter; and

2. Page 4, Lines 104 through 105:

104 purposes of the meeting to [all residents] each resident.

(11) If a mobile home park uses a single-service meter, the mobile home park owner shall include a full disclosure on a resident's utility bill of the resident's utility charges.

105 [(10)-A] {~~(11)~~} (12) The mobile home park shall have a copy of this chapter [shall be] posted; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 99**, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble.

Stephen H. Urquhart, Chair

Mr. President:

January 30, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 85**, HOMICIDE AMENDMENTS, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, with the following amendments:

1. Page 4, Lines 93 through 96:

93 (2) A person is guilty of electronic communication harassment
and subject to

94 prosecution in the jurisdiction where the communication originated
or was received if with

95 intent to annoy, alarm, intimidate, offend, abuse, threaten, harass,
frighten, {~~cause substantial~~

96 emotional distress. } or disrupt the electronic communications
of another, the person: ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 107**, COMMUNICATIONS FRAUD PENALTY

AMENDMENTS, by Senator D. Hinkins, be replaced and favorably recommends **1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS**, and recommends that it be read for the first and second time; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT**, by Senator R. Okerlund, with the following amendments:

1. Page 3, Line 69:

69 first degree felony and the actor violates Subsection (1)(a);
{~~or~~}

2. Page 3, Line 70:

70 (iii) the obstruction of justice is presented or committed before a
court of law; or
(iv) a violation of Subsection (1)(h).

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 115, S.B. 122, S.R. 1, H.B. 16, S.R. 2, H.B. 19, S.B. 94, S.B. 95**, as amended, **S.B. 99, S.B. 85, S.B. 91**, as amended, **1st Sub. S.B. 107**, and **S.B. 112**, as amended were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS**, by Senator K. Van Tassell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Jones, the committee reports were adopted. **S.B. 110** was considered read for the second time and placed on Consent Calendar.

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On motion of Senator Jones, **H.C.R. 4, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION**, will be considered Thursday, February 5, 2009 at 11:30 a.m.

On motion of Senator Killpack, **S.J.R. 3, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL**, will be considered Tuesday, February 3, 2009 at 11:00 a.m.

INTRODUCTION OF BILLS

S.B. 4, Current School Year Supplemental Minimum School Program Budget Adjustments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD**, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Stephenson

S.B. 40 was transmitted to the House for consideration.

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On motion of Senator Greiner, the circle was removed from **S.B. 19, CRIMINAL OFFENSE PENALTIES AMENDMENT**, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 19 was transmitted to the House for consideration.

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1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 7, Lines 181 through 182

181 (4) (a) [~~Each~~] Except for a member appointed under
Subsections (1)(c) { ~~-(h)- and (i) }~~ } and (h) .

182 each member shall serve a two~~=~~year term.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Bell, Hillyard, and Madsen commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. S.B. 18, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 15, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the second time. Senator

Mayne explained the bill. Senator Urquhart commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Okerlund
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On motion of Senator Van Tassell, the circle was removed from **S.B. 37**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Okerlund	Stephenson
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1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 14, Line 416

416 (b) after the review required by Subsection {-
(5) } (7) (a):

2. Page 36, Lines 1097 through 1101:

1097 (b) to suspend a requirement for holding a license under this
chapter that is related to

1098 the nationwide database if :

1099 (i) {-if } the suspension is related to changes made to
Secure and Fair Enforcement for

1100 Mortgage Licensing, 12 U.S.C. Sec. 5105, et seq., on or after
January 1, 2009; and

1101 (ii) the suspension ends on or before December 31, 2011.

3. Page 41, Lines 1242 through 1244:

1242 (u) {- to } represent to the public that the person can or
will perform any act of a loan

1243 originator if that person is not licensed under this chapter
because the person is exempt under

1244 Subsection 61-2c-102(1)(f)(ii)(A), including through:

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Stephenson

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S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Valentine proposed the following amendment:

1. Page 4, Line 113:
Delete “2004” and insert “2009”
2. Page 4, Line 115:
Delete “2004” and insert “2009”

Senator Valentine’s motion to amend passed on a voice vote. Senator Hinkins commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	

Absent or not voting were: Senators

Bramble	Buttars	Knudson	Stephenson
Urquhart	Waddoups		

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S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, was read the second time.

On motion of Senator Stowell, the bill was circled.

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S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bramble	Knudson	Stephenson	Waddoups
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S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Davis	Knudson	Urquhart
Valentine			

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S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Davis	Killpack	Knudson
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S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

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1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the second time. Senator Jones explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 36:
Delete “and peak power”
2. Page 2, Line 44:
After “promoted by” delete “this ordinance” and insert “these ordinances”

Senator Valentine’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Bell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2009

The House passed, as amended, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 60**, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 3**, **1st Sub. H.B. 60**, **1st Sub. H.B. 62**, **H.B. 300**, **H.B. 301**, and **H.J.R. 7** were read the first time and referred to the Rules Committee.

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On motion of Senator Hillyard, under suspension of rules, the Senate voted to lift **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, and **H.B. 301**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS**, from rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was read the second time.

Senator Stephenson proposed the following amendment:

1. Page 6, Line 180

180 and comment.

(iv)(A) Due to the reduction in funds available for performance-based compensation, the State Board of Education shall limit the number of school districts or charter schools that may receive funds under this section so that the enrollment of the school districts or charter schools that receive funds is approximately 25% of the total public school enrollment of the state.

(B) The State Board of Education shall award funds for performance-based compensation to school districts and charter schools that meet the requirements of Subsections (5)(b)(i) and (ii) and other criteria established by the board.

Senator Stephenson's motion to amend passed on a voice vote. Senator Stephenson explained the bill. Senators Jones, Romero, and Okerlund commented.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS**, was considered read the second and third times. Senator Killpack declared a conflict of interest. The bill passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Goodfellow	McCoy	Morgan	Robles
Romero			

S.B. 4, as amended, was transmitted to the House.

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On motion of Senator Hillyard, under suspension of the rules, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, was considered read the second and third times. Senators Niederhauser and Goodfellow commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative was: Senator

Niederhauser

Absent or not voting were: Senators

Stephenson	Van Tassell
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H.B. 300 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, under suspension of the rules, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative was: Senator Romero

Absent or not voting were: Senators Dayton Stephenson Van Tassell

H.B. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, under suspension of the rules, **H.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators Goodfellow McCoy

H.B. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack and at 12:20 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 3, 2009.

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S.B. 99 — RENEWABLE ENERGY CERTIFICATE REVISIONS (<i>C. Bramble</i>)	
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S.B. 100 — FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS (<i>P. Jones</i>)	
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S.B. 101 — STATE ETHICS COMMISSION (<i>S. McCoy</i>)	
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S.B. 102 — SHARE THE ROAD SPECIAL GROUP LICENSE PLATE (<i>W. Niederhauser</i>)	
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S.B. 103 — UNIFORM LAWS — UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS (<i>L. Hillyard</i>)	
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S.B. 104 — HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS (<i>L. Hillyard</i>)	
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S.B. 105 — ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS (<i>L. Hillyard</i>)	
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S.B. 106 — ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS (<i>S. McCoy</i>)	
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S.B. 107 — COMMUNICATIONS FRAUD PENALTY AMENDMENTS (<i>D. Hinkins</i>)	
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S.B. 108 — TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS (<i>W. Niederhauser</i>)	
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Assigned to standing committee	55
S.B. 109 — LOCAL SCHOOL FUNDING LEGISLATIVE TASK FORCE (<i>D. C. Butters</i>)	
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Assigned to standing committee	54
S.B. 110 — OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS (<i>K. Van Tassell</i>)	
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Assigned to standing committee	55
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S.B. 111 — HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS (<i>G. Davis</i>)	
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Assigned to standing committee	54
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S.B. 112 — OBSTRUCTION OF JUSTICE AMENDMENT (<i>R. Okerlund</i>)	
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Assigned to standing committee	55
Amendments	125
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S.B. 113 — DELAYED EFFECTIVE DATE FOR ILLEGAL IMMIGRATION LEGISLATION (<i>P. Jones</i>)	
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S.B. 114 — TOBACCO TAX AMENDMENTS (<i>A. Christensen</i>)	
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Assigned to standing committee	97
S.B. 115 — PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES (<i>W. Niederhauser</i>)	
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Assigned to standing committee	54
Committee report adopted and placed on calendar	125
S.B. 116 — CRIMINAL PENALTY AND PROSECUTION AMENDMENTS (<i>D. Liljenquist</i>)	
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S.B. 117 — ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS (<i>A. Christensen</i>)	
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S.B. 118 — PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS (<i>J. Greiner</i>)	
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Assigned to standing committee	55
S.B. 119 — HOSPITAL EMERGENCY ROOM TASK FORCE (<i>D. C. Butters</i>)	
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S.B. 125 — INTEREST ON PERSONAL INJURY JUDGMENTS (<i>R. Okerlund</i>)	
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S.B. 126 — STATE PERSONNEL MANAGEMENT ACT AMENDMENTS (<i>D. Liljenquist</i>)	
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S.B. 127 — RETIREMENT AMENDMENTS (<i>D. Liljenquist</i>)	
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S.B. 128 — RAINWATER HARVESTING (<i>S. Jenkins</i>)	
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